

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Applicants: Sweet et al. Examiner: Hillery, Nathan
Serial No.: 10/608,587 Group Art Unit: 2176
Confirmation No.: 8422 Docket: 1846-33
Filed: June 27, 2003 Dated: August 27, 2009
For: DETERMINATION OF
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RESPONSE TO NOTIFICATION OF NON-COMPLIANT
APPEAL BRIEF PURSUANT TO 37 C.F.R. §41.37

Sir:

In a communication mailed July 30, 2009, a reply to which is due August 30, 2009, it has been determined that the Appeal Brief filed on August 26, 2008 is defective for the following reason:

“1.) The summary of claimed subject matter fails to identify and separately refer each independent claim (1, 16 and 27) to the specification by page and line number. The independent

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claims should not be grouped together. The appellant may wish to only submit the defective section of the brief.”

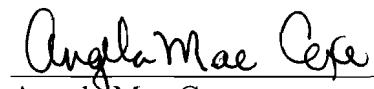
In response to this Notice, attached is a replacement section for Section V, “SUMMARY OF CLAIMED SUBJECT MATTER” found at pages 5-7 of the original Appeal Brief filed on August 26, 2008. It is noted that the replacement section is longer than the original section. The replacement section is found on pages 5, 6, 7, 7a, 7b, and 7c. The replacement section includes the independent claims of the case on appeal, namely Claims 1, 16, and 27 with corresponding citations to page and line numbers and to figures.

As indicated in the Notice, Applicant need only submit the defective section of the Appeal Brief. Therefore, Applicant believes that the replacement section is fully responsive to the Notice of Non-Compliant Appeal Brief.

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It is respectfully submitted that no fee is occasioned by this submission. However, if a fee is required, an authorization to charge that fee to Deposit Account No. 24-0037 is hereby provided.

Respectfully submitted,



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